

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Ann LaBelle and Daniel D. LaBelle,

Civil File No. 10cv2858MJD/AJB

Plaintiffs,

V.

AFFIDAVIT OF ERIN P. DAVENPORT

American Brokers Conduit; BAC Home Loans Servicing, LP, a Texas Limited Partnership As Successor in Interest to Countrywide Home Loans, Servicing, LP; Mortgage Electronic Registration Systems, Inc., a Delaware Corp.; John & Jane Does 1-10,

Defendants.

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

I, Erin P. Davenport, being duly sworn under oath, allege and state the following:

1. I am an Associate with the law firm of Dorsey & Whitney LLP (“Dorsey”), counsel for BAC in this matter and acting on behalf of Mortgage Electronic Registration Systems in this matter. I submit this Affidavit in support of Defendant’s Motion to Dismiss.

2. Attached as **Exhibit 1** is a true and correct copy of the refinanced mortgage (No. 0001589588) executed by Ann LaBelle and Daniel D. LaBelle (hereafter collectively, “the LaBelles”) on or about January 16, 2007.

3. Attached as **Exhibit 2** is a true and correct copy of the note for the refinanced mortgage (No. 0001589588) executed by Ann LaBelle on or about January 16, 2007.

4. Attached as **Exhibit 3** is a true and correct copy of the Truth-in-Lending Disclosure Statement signed by the LaBelles on or about January 16, 2007.

5. Attached as **Exhibit 4** is a true and correct copy of the Notice of Right to Rescind signed by the LaBelles on or about January 16, 2007.

6. Attached as **Exhibit 5** is a true and correct copy of the LaBelles' HUD-1 Settlement Statement signed on or about January 16, 2007.

7. Attached as **Exhibit 6** is a true and correct copy of the LaBelles' qualified written request dated on or about June 13, 2009.

8. Attached as **Exhibit 7** is a true and correct copy of Defendant BAC's initial response to the LaBelles' qualified written request dated on or about July 2, 2009.

9. Attached as **Exhibit 8** is a true and correct copy of Defendant BAC's follow-up response to the LaBelles' qualified written request dated on or about July 22, 2009.

10. Attached as **Exhibit 9** is a true and correct copy of the Uniform Residential Loan Application signed by Ann LaBelle on or about January 5, 2007.

s/ Erin P. Davenport

Subscribed and sworn to before me
this 18th day of October, 2010.

s/ Margaret M. Rodewald
Notary Public